IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :2018 of 1998

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Dated: 19th June 2007.

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Between:

T.Satyanarayana, S/o T.Pullaiah, aged about 31 years, Escavation Plant Operator Trainee (under illegal termination orders), The Singareni Collieries Company Ltd., Bellampalli Area, GOLET, Adilabad Dist.

..... PETITIONER

AND

The Singareni Collieries Company Litd., rep. By its Director, (P,A&W), Kothagudem Collieries-507101.

.....RESPONDENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.2018 OF 1998

ORAL ORDER:

The respondent-Singareni Collieries Company Limited, a State-owned undertaking, passed order on 30-07-1997, dismissing the writ petitioner from its service with effect from 06-08-1997. It is not in dispute that at the time of his recruitment as an Excavation Plant Operator Trainee, the writ petitioner has produced a driving licence said to have been obtained by him on 13-05-1986. Upon verification of which, it has been realised that the same is not a genuine one. In those set of circumstances, as a measure of discipline, the writ petitioner has been proceeded against.

Except stating that he has obtained licence for driving light motor vehicles, to begin with and later on, heavy goods vehicle licence from Vijayawada, the writ petitioner could not offer any resistance against the allegation that the driving licence in question, produced by him, is not a genuine one. It will be very difficult, particularly, for a writ Court to record a finding of fact, where the facts themselves are in great dispute between the parties. If the driving licence, which forms the very basis for consideration of the candidature of the writ petitioner for appointment, is found to be not a genuine one, a State-owned Corporation, like the respondent herein, is bound to view the same seriously and take stern action against the defaulting parties. But, however,

Sri Sunil Kumar Deshpande, the learned counsel for the writ petitioner pleads that subsequently the writ petitioner, to clear his name, has participated in the tests conducted by the licensing authorities of the State and satisfied them of the degree of skill possessed by him, which enabled him to be granted a driving licence. Therefore, he seeks that a direction be issued to the respondent-Corporation to consider the case of the writ petitioner at future selections, along with others for recruitment as a driver, taking into consideration and account the driving licence since obtained by him from the authentic source, without putting the impugned orders in the writ petitioner's way for such consideration.

Ms. V. Uma Devi, the learned counsel for the respondent-Corporation strenuously contended that if once a person has been dismissed from the employment of the respondent-Corporation, it should, normally, come in his way of future employment with the same organisation and consideration of the cases like that of the writ petitioner herein would amount to paying a premium to their misconduct once exhibited by them.

The point is, undoubtedly, well taken by the respondent-Corporation, but however, what is significantly important in the present case is the assertion of the writ petitioner that he had not only obtained the driving licence for Light Motor Vehicles, but followed it up also with a licence to drive Heavy Motor Vehicles and that the same was issued to him by the licensing

authority at Vijayawada and also that the same licence was got transferred by him to Khammam. Therefore, the information gathered by the respondent-Corporation from the licensing authority at Vijayawada is contestable. Either the writ petitioner could possibly have obtained the driving licence correctly and properly or he might have been a victim of the circumstances and has landed himself in trouble, but, the conduct of the writ petitioner appears to be genuine, in the sense, to establish his *bona fides*, he had demonstrated his degree of skill to the satisfaction of the licensing authority all over again and obtained a driving licence from an authentic source without giving any further room for suspicion against him. Further, during the short period of his employment with the respondent-Corporation, he did handle the vehicles/equipment competently, reflecting his skill. It prompts one to believe that he did genuinely obtain the licence even on the previous occasion. In these peculiar facts he deserves a second chance to be given for consideration of his case for living honourably.

In these peculiar facts and circumstances, while normally an order of dismissal does come in the way of the candidates from seeking re-employment in the same organisation, I consider it appropriate to direct the respondent-Corporation to consider the case of the writ petitioner along with others as and when it undertakes the process of recruitment of drivers without, in any way,

getting influenced by the impugned order passed, if the petitioner does possess all the eligibility criteria.

With these observations, the writ petition stands disposed of. No costs.

Nooty Ramamohana Rao, J

mrk

19th June 2007.